APPEAL NO. 020215
FILED APRIL 15, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 29, 2002. She held that the appellant (claimant) injured his right ankle on _____, and had disability beginning on _____, 2001, and ending on May 19, 2001.

The claimant has appealed the disability period found by the hearing officer, arguing that it continued after the ending date found by the hearing officer. The respondent (carrier) responds that the decision is supported by sufficient evidence.

DECISION

We affirm the hearing officer's decision as reformed.

In reviewing the evidence and the hearing officer's decision, it is apparent that Finding of Fact No. 7 contains a typographical error. It currently reads, with no concluding punctuation:

The Claimant lost additional time from work as a result of this injury

It is clear from reading the discussion, however, that the hearing officer did not believe that any additional time was lost after May 19, 2001, as a result of the compensable injury. This finding of fact is therefore reformed to read:

The Claimant lost no additional time from work as a result of this injury.

As to the other arguments raised, the claimant quarrels with the manner in which the hearing officer gave weight and credibility to the evidence. The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). The decision should not be set aside because different inferences and conclusions may be drawn upon review, even when the record contains evidence that would lend itself to different inferences. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). An appeals-level body is not a fact finder and does not normally pass upon the credibility of witnesses or substitute its own judgment for that of the trier of fact, even if the evidence would support a different result. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied); American Motorists Insurance Co. v. Volentine, 867 S.W.2d 170 (Tex. App.-Beaumont 1993, no writ). The parties in this case presented conflicting evidence for the hearing officer to resolve. The hearing officer referenced a videotape in evidence, which showed the claimant engaging in a variety of physical activities, including "Nerf" football, as persuasive that disability had ended on May 19, 2001.

In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We therefore affirm the decision and order as reformed.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

C.T. CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.

Susan M. Kelley
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Terri Kay Oliver
Appeals Judge